

CONTROL OF ILLICIT TRAFFIC IN DANGEROUS DRUGS

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ISSUE DEFINITION

Suppression of illicit traffic is only one aspect of the general Federal Government effort to prevent the abuse of narcotics and other dangerous drugs, but in political significance it is undoubtedly paramount. Various approaches to the problem have been suggested and tried since the first explicitly anti-opium law was enacted in 1887. Major current proposals and areas of investigation concern appropriate penalties for trafficking offenses, the release of accused and convicted traffickers on bail and through other release procedures, general sentencing reform, exclusionary rule reform, the organization and policies of the Federal enforcement effort, the financial activities of drug traffickers, forfeiture of trafficker assets, marihuana eradication programs -- both foreign and domestic, and ways of securing maximum cooperation in traffic control measures from the countries figuring in either the production of dangerous drugs or their transport into the United States.

BACKGROUND AND POLICY ANALYSIS

During the more than 100 years of Government attempts to control dangerous drug use in the United States, a number of legislative approaches have been tried. Until a decade or so ago, Federal interest was for the most part in the regulatory area - in current terminology, "supply reduction", as opposed to "demand reduction." The Federal regulatory laws have been based both on the tax power and on the power to regulate interstate and foreign commerce. In a landmark enactment of 1970, these laws were consolidated and extensively revised. Also important to the general effort to control abuse has been the rapid expansion, during the past 15 years, of efforts to reduce the demand for drugs through provision of assistance for treatment, research, training, and education.

As for reducing the supply of drugs, in particular the narcotic drug heroin, several issues have continually attracted interest in Congress in recent years. Among the more recurrent are: (1) appropriate and effective penalties for trafficking, (2) the possibility of preventive detention of accused traffickers awaiting trial or sentence or pending appeal of sentence, (3) organization of the executive branch effort to enforce the regulatory statutes, and the specific enforcement policies pursued, (4) identification of the most effective measures for curbing illicit international traffic and ways to induce cooperation towards those ends by other countries, and (5) methods of penalizing traffickers "through the pocketbook," including the strengthening of criminal forfeiture provisions in both the Controlled Substances Act and the Racketeer Influenced and Corrupt Organizations Act.

Although basic Federal authority over the drug industry derives from the Food, Drug and Cosmetic Act of 1938, of which the earliest provisions were enacted in 1906, the most important narcotic controls have been achieved through separate and more restrictive statutes. The Harrison Act of 1914, supplemented through the years by a number of other statutes, was the principal Federal narcotics law until the 1970 revision. The Harrison Act was designed to curb access to narcotics through the imposition of a tax along with strict procedures for its payment. Similar controls were applied to marihuana in 1937.

In the years following World War II, reports of a substantial increase in heroin use were responsible for enactment of several measures intended to strengthen anti-narcotics laws. These laws were generally characterized by higher penalties, including one providing for the possibility of the death sentence for an adult convicted of selling or giving heroin to a minor. In 1965, the Drug Abuse Control Amendments (to the Food, Drug and Cosmetic Act) brought amphetamines, barbiturates and similar drugs under special, more restrictive control.

During the 1960s and early 1970s, the emphasis on supply reduction and heavy penalties was challenged in Congress with growing frequency, and legislation in that period reflected a greater concern with reduction of demand, through the provision of treatment and rehabilitation services to drug users. The Community Mental Health Centers Act of 1963 ultimately became the vehicle through which Congress established a specialized Federal grant program for treatment of drug dependence, and the Narcotic Addict Rehabilitation Act of 1966 authorized civil commitment (for treatment) of addicts charged with Federal offenses, a new concept in the Federal justice system with respect to disposition of the criminal addict.

Budget totals provide a good measure of the broadening, during the past decade, of the Federal commitment to prevention of drug abuse: spending for all activities related to this purpose rose from \$74 million in FY69 to approximately \$1.3 billion in FY83. Drug abuse "law enforcement" spending went from \$37 million to \$1.07 billion during the same period.

In 1970 the entire complex of Federal narcotic and dangerous drug regulatory law was consolidated and rewritten as the Controlled Substances Act (CSA). In part the result of a 1968 Government reorganization that merged several existing drug control bureaus into a new agency, the new act not only instituted tighter controls over the pharmaceutical industry, but also revised the existing penalties for narcotic and dangerous drug law offenses.

The penalty revisions in the CSA included reduction of all first-time simple possession offenses to the misdemeanor level; elimination of all mandatory penalties except in cases involving a special category of professional criminal; and the provision for possibility of probation, suspended sentence, and parole for any offender except one sentenced under a special provision pertaining to professional criminals.

Within only a few years of enactment of the 1970 law, there were calls in Congress and elsewhere for reinstatement of mandatory penalties, especially for the narcotic trafficking offenses, and in 1973 the Nixon administration submitted a proposal to this effect. A companion measure provided for the pre- and post-trial detention of persons charged with specified drug trafficking offenses. The Ford administration sent up a bill with similar provisions.

Proposals for reinstatement of mandatory penalties raise the following questions: (1) What are the proper and just penalties for the offense in question? (2) Even if the offense is seen as justifying a repressive penalty, would the penalty actually serve the interests of society? (3) Are heavy penalties an effective crime deterrent? (4) Regardless of deterrence value, are heavy penalties justified on the ground that they remove a danger to the community for a substantial period of time? (5) Is it the strict statutory penalty or the certainty of punishment that acts as a crime deterrent? (6) As long as arrest and conviction rates remain low, do

statutory penalties have much impact? (7) Is it wise to limit judicial discretion in the sentencing process? (8) Is there a solid basis for the assumption that without mandatory penalties judges will fail to impose appropriate sentences?

Proposals for preventive detention of certain high risk offenders have in the past faced strong opposition on constitutional grounds. However, the Drug Enforcement Administration contends that dangerous drug offenders are unusually prone to return to illicit activity while awaiting trial or sentence and that current bail release procedures are badly hindering the Government's narcotics control effort. One answer to this complaint has been that if the criminal justice process could be expedited, the release periods for such offenders would not be so lengthy; it was hoped by some that passage of the "Speedy Trial Act of 1974" (P.L. 93-619) would solve the problem. A central question is how effective that law is proving to be. Another is whether there is not some alternative to detention, such as a pre-trial version of probation.

The third major theme of the debate over how to stem drug abuse concerns the actual structure of the Federal effort. The so-called "law enforcement" side of that effort has undergone a number of reorganizations in recent years, but questions continue to be raised. These include: (1) Do the Drug Enforcement Administration (DEA) and the Customs Bureau still have jurisdictional difficulties despite Reorganization Plan No. 2 of 1973, which was supposed to solve this problem? (2) Is there sufficient coordination of Federal law enforcement efforts in general? (3) Is there sufficient commitment at the White House level? (4) Should all Federal activities concerned with drug abuse problems be centered in one agency, as recommended in 1973 by the National Commission on Marihuana and Drug Abuse? Alternatively, should a special "drug czar" office be established to formulate policy and to coordinate activities of all operating drug enforcement agencies? (5) What is the appropriate and most desirable relationship of DEA to local law enforcement agencies?

A continuing concern of both Congress and the executive branch is how best to secure the cooperation of other countries in the drug control effort. In addition to diplomatic maneuvers and the operation of DEA agents overseas, the United States presently provides direct monetary assistance to a number of countries for narcotics control purposes. This "International Narcotics Control Program" was established by a 1971 amendment to the Foreign Assistance Act; in recent years the program's reauthorization has been limited to a period of one year at a time. One of the most important of the efforts initiated has been the poppy eradication operation in Mexico, involving massive spraying of herbicides during the growing seasons. U.S. officials have for the most part been highly enthusiastic about the program, generally crediting it with a substantial decline in the amount of Mexican heroin coming into the United States. However, after a period of several years grace, the vacuum thus created has been filled by imports from Southwest Asia.

Many drug source countries have been recipients of assistance provided through the International Narcotics Control program, which has been associated with a number of controversial issues. These have included (1) the level of influence of Drug Enforcement Administration personnel in shaping the efforts assisted; (2) direct participation of U.S. law enforcement officials in foreign drug law enforcement activities; (3) use of U.S.-supplied equipment and of U.S.-trained personnel for purposes other than drug traffic control, particularly in support of non-democratic governments,

and (4) use of allegedly harmful herbicides in eradication programs. A related issue is the general question of the diplomatic "linkage" of U.S. concerns over the drug problem to all forms of U.S. assistance to, or other accommodation of, drug source countries.

A major review of Federal drug traffic control efforts, completed by the General Accounting Office in 1979, acknowledged "positive results" but characterized the gains as "fragile" and "requiring constant vigilance" for these reasons:

- source countries move quickly to fill temporary drug shortages,
- trafficking patterns shift, and
- the types of drugs consumed readily change.

Cited as inescapable factors were the enormous profits of drug trafficking, the ease of smuggling drugs into the United States and of subsequent distribution, and the social, economic, and political realities of most drug-producing countries. The report called for a "much tougher and consistent stance" and the implementation of specific measures, including (1) changes in Federal bail and sentencing practices, (2) State Department preparation of "realistic" Country Narcotics Action Plans, (3) resolution of border management "problems", and (4) clarification of the roles of various government levels of drug law enforcement, with increased reliance on State and local levels. A more recent study by the same agency, released in June 1983, remains critical, citing in particular the absence of coordinated, Government-wide policies and a lack of general cooperation among operating-level agencies involved in drug law enforcement.

During the past several years Congress has been working on various proposals for the revision and reform of the Federal Criminal Code. Several versions have been proposed, in some cases involving such substantive changes in drug law as (1) a return to mandatory penalties for certain trafficking offenses and (2) the effective decriminalization of possession offenses involving small amounts of marijuana.

Growing out of the years of work on criminal code reform is one of the legislative focal points of the 98th Congress: an omnibus crime control bill reported by the Senate Judiciary Committee on Aug. 8, 1983 (S. 1762). Much of the bill is substantially similar to a measure that passed the Senate in the 97th Congress (S. 2572).

LEGISLATION

H.R. 1580 (Mineta et al.)/ S. 1146 (Bentsen, DeConcini, and Domenici)

(Related bill: H.R. 53)

Amends the Federal Aviation Act of 1958 to provide for (1) the revocation of airman certificates of persons convicted of a violation of a State or Federal law relating to controlled substances and (2) additional penalties for the transportation by aircraft of controlled substances. H.R. 1580 introduced Feb. 22, 1983; referred to Public Works and Transportation. S. 1146 introduced Apr. 26, 1983; referred to Commerce, Science, and Transportation. Reported Sept. 15 (S.Rept. 98-228). Passed Senate, amended, Sept. 27. Referred to House Committee on Public Works and Transportation, Sept. 28, 1983.

H.R. 2013 (Conyers) (Related bills: S. 829/H.R. 2151, S. 830, S. 1762)
Criminal Code Revision Act of 1983. Revises title 18 of the U.S. Code. Transfers criminal penalty provisions of the Controlled Substances Act to the revised title and makes some substantive changes. Introduced Mar. 9, 1983; referred to Judiciary.

H.R. 2282 (McKinney et al.)
Amends the Controlled Substances Act to provide for the therapeutic use of marihuana and for other purposes. Introduced Mar. 23, 1983; referred to Energy and Commerce.

H.R. 3299 (Hughes, Fish, Sawyer, and Sensenbrenner) (Related bills: Title IV of S. 829/H.R. 2151, Title II of S. 830, S. 948, Title III of S. 1762)

Amends the Controlled Substances Act, the Controlled Substances Import and Export Act, and the Tariff Act of 1930 to improve forfeiture provisions and to strengthen penalties (fines) for controlled substance offenses, and for other purposes. Introduced June 14, 1983; referred jointly to the Committees on the Judiciary, Energy and Commerce, and Ways and Means.

H.R. 4028 (Hughes, Sawyer, Smith of Fla., and Gilman) [Related bills: H.R. 3326, S. 1787]

Reestablishes an Office of Drug Abuse Policy (ODAP) in the Executive Office of the President. Amends the Drug Abuse Prevention, Treatment, and Rehabilitation Act to revise the authority (still contained in the statute) of ODAP, to provide for a Deputy Director for Drug Abuse Prevention and a Deputy Director for Drug Enforcement. Sets forth authorities for the director, which include the establishment of policy and priorities for all Federal drug abuse functions and the coordination and oversight of such functions. Among specific powers provided is review of all annual budgets of departments and agencies engaged in drug abuse functions. Requires a written report to Congress annually on the activities conducted under the statute. H.R. 3664 introduced July 26, 1983; referred jointly to the Committees on the Judiciary and on Energy and Commerce. H.R. 4028, a clean bill in lieu of H.R. 3664, introduced Sept. 29; referred jointly to the Committees on the Judiciary and on Energy and Commerce. Ordered to be reported (amended) by Judiciary Oct. 4, 1983.

H.R. 4201 (Rowland et al.) (Related bill: H.R. 1055)

Transfers methaqualone from Schedule II to Schedule I under the Controlled Substances Act. Introduced Oct. 24, 1983; referred to Energy and Commerce. Reported Nov. 10 (H.Rept. 98-534). Passed House Nov. 16, 1983.

H.Res. 49 (Rangel and Gilman)
Provides for the continuance of the Select Committee on Narcotics Abuse and Control. Introduced Jan. 31, 1983; referred to Rules. Reported March 7 (H.Rept. 98-4). Passed March 8, 1983.

S. 117 (Chiles and Nunn)

Crime Control Act of 1983.

Title I-Organized Crime Enforcement. Among other things, (1) grants

limited Federal jurisdiction over cases involving contract killings or murder for hire; (2) amends the obstruction of justice statute to cover informants and potential witnesses as well as witnesses who actually are under subpoena to testify; (3) amends the Freedom of Information Act to increase protection of information that would identify confidential informants; (4) permits Federal judges to seal those portions of wiretap documents that could reveal ongoing criminal investigations or wire intercepts.

Title II-Bail Reform. Specifies that in setting the conditions of release of persons charged with trafficking in certain narcotics and other dangerous drugs the judicial officer shall consider the danger the defendant might pose to the community if released. Sets forth circumstances in which a drug law offender should be denied release prior to trial.

Title III -- Sentencing. Increases penalties for persons who commit violent crimes with a dangerous weapon or a destructive device.

Title IV -- Habeas Corpus Reform. Revises Federal habeas corpus statutes by eliminating purely technical challenges to convictions fairly arrived at in a State court. Introduced Jan. 26, 1983; referred to Judiciary.

S. 215 (Thurmond, Biden et al.) (Related bills: H.R. 1098, Title II of S. 117, S. 406, Title I of S. 1762 and H.R. 2151, Title II of S. 830, H.R. 3005)

Amends the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on postconviction release, and for other purposes. Introduced Jan. 27, 1983; referred to Judiciary. Reported May 25 (S.Rept. 98-147).

S. 422 (Jepson and Thurmond)/H.R. 1255 (Hyde) (Related bills: S. 109, S. 387, S. 721, H.R. 1661)

Makes it a Federal offense to rob a pharmacy of a narcotic drug, amphetamine or barbiturate that is listed in Schedules I through IV under the Federal Controlled Substances Act. Introduced Jan. 26, 1983; referred to Judiciary.

S. 503 (Humphrey et al.)

Makes it unlawful to manufacture, distribute, or possess with intent to distribute, a drug that is an imitation of a controlled substance or a drug that purports to act like a controlled substance. Introduced Feb. 16, 1983; referred to Judiciary.

S. 830 (Biden et al.) (Related bills: S. 117, S. 215, S. 668, S. 829, S. 948, S. 1182, S. 1762, S. 1787, H.R. 2013, H.R. 3005)

National Security and Violent Crime Control Act of 1983. The following are the more significant titles and provisions in relation to dangerous drug control:

Title I. Narcotics Law Enforcement. Subtitle A. National Narcotics Act of 1983. Establishes a cabinet-level office of Director of National and International Drug Operations and Policy to plan and coordinate drug law enforcement efforts of the Federal Government.

Subtitle B. Illegal use of aircraft. Amends the Federal Aviation Act:

to provide for the revocation of an airman certificate, issued under the Act, upon the conviction in any court of the holder for any violation of State or Federal law relating to the transportation or distribution of a controlled substance; to increase penalties for the manufacture, sale or use of a fraudulent airman certificate or for the display on any aircraft of marks that are false or misleading as to the nationality or registration of the aircraft; and to make it a Federal offense to operate an aircraft to commit or abet an act that violates Federal or State law relating to the regulation of controlled substances, subject to penalties of up to 5 years in prison and up to \$25,000 for a first offense and double for a second.

Subtitle C. Mutual assistance treaties. Calls upon the Attorney General to negotiate agreements to secure the cooperation of foreign law enforcement authorities to prevent the use of foreign banking facilities as havens for the proceeds of crime.

Title II. Bail, Sentencing, and Criminal Procedure Reform. Subtitle A -- Bail reform. Amends the Bail Reform Act of 1966 to (1) permit potential danger to the community to be considered in determining whether to release an accused individual pending trial or, if release is appropriate, in determining conditions for release (creates a rebuttable presumption that an individual is a potential danger to the community if he falls into one of 6 specified categories, which include persons who have committed a serious drug trafficking offense), (2) tighten the criteria for post-conviction release pending sentencing and appeal, (3) establish procedures for revocation of release, and contempt-of-court prosecution, for committing a crime while on release; (4) provide for consecutive sentences for persons convicted of crimes committed on pretrial release; and (5) increase penalties for jumping bail.

Subtitle B -- Sentencing reform. Creates a determinate sentencing system, with no parole and limited good time credits. Establishes a sentencing commission, to be responsible for formulating guidelines to be used by the courts in determining appropriate sentences. Requires maximum penalties for repeat offenders charged with a crime of violence or a drug trafficking offense.

Subtitle D -- Violent Juvenile Reform Act of 1983. Amends the juvenile delinquency chapter of Title 18, U.S. Code, to lower the age at which an act would be considered a crime if committed by an adult and generally modifies provisions that allow for special handling of juveniles, to encourage adult treatment of offenders charged with crimes of violence or drug trafficking offenses.

Subtitle E -- Federal Diversion Act. Establishes a new program of offender diversion for persons charged with non-violent crimes -- emphasizing rehabilitative services provided under supervision.

Title III. Organized Crime. Subtitle A -- Narcotics law enforcement policy goals and report requires the Attorney General to submit (1) within 90 days and thereafter annually, a report explaining how any proposed reorganization of the Drug Enforcement Administration and Justice Department narcotics control policy and organized crime control policy generally will accomplish certain specified goals, and (2) within 60 days, "a complete report on the status of organized crime" in the Nation.

Subtitle C -- Criminal forfeiture. Amends both 18 U.S.C. 1963 (a provision of the Racketeer Influenced and Corrupt Organizations Act) and the

Controlled Substances Act to (1) provide for the criminal forfeiture of the proceeds of racketeering or drug trafficking activity, (2) establish the sanction of criminal forfeiture for all felony drug offenses, (3) in general facilitate forfeitures in drug-related and racketeering cases, and (4) raise the ceiling on the value of property subject to administrative forfeiture -- from \$10,000 to \$100,000. Introduced Mar. 16, 1983; referred to Judiciary.

S. 902 (Roth, Rudman, et al.) (Related bill: Title IX of S. 1762)

Amends the Currency and Foreign Transactions Reporting Act to (1) raise the dollar amount in connection with which a report must be filed with the Government prior to the transport of money or monetary instruments out of the U.S. -- from \$5,000 to \$10,000, (2) make it illegal to attempt to carry out an amount in excess of \$10,000 absent the required report, (3) allow Treasury Department officials to pay a reward to informants for information which leads to a recovery of a fine, civil penalty or forfeiture under the act whenever the amount of recovery exceeds \$50,000 and (4) increase the penalties and fines for failing to file the necessary currency reports.

Amends the Racketeer Influenced and Corrupt Organizations Act to (1) make criminal violations of the Currency and Foreign Transactions Reporting Act one of the categories of criminal acts covered by the definition of "racketeering activities." Adds major violations of the CFTR Act to the enumerated statutes under the Federal wiretapping statute. Introduced Mar. 23, 1983; referred to Judiciary.

S. 1143 (Hawkins) (Related bill: S. 813)

Conditions U.S. assistance to any country that is a major producer of opium, coca, or marihuana on reductions by that country in the levels of such production. Introduced Apr. 26, 1983; referred to Foreign Relations.

S. 1192 (Thurmond and Biden)/H.R. 2894 (Fish) (Related bill: H.R. 2912 (Rodino))

Department of Justice Appropriation Authorization Act, FY84. For the Drug Enforcement Administration, the Senate bill as passed authorizes \$275.6 million. For Organized Crime Drug Enforcement, authorizes \$121.9 million. H.R. 2912 as reported authorizes \$284.5 million for the DEA and \$89.9 million for OCDE. S. 1192 introduced May 2, 1983; referred to Judiciary. Reported May 16, 1983 (without written report). Passed Senate Aug. 4. H.R. 2912 introduced May 4, 1983; referred to Judiciary. Reported May 16 (H.Rept. 98-181).

S. 1347 (Percy)/H.R. 2992 (Zablocki and Broomfield)

International Security and Development Cooperation Act of 1983. With respect to the international narcotics program under the Foreign Assistance Act, authorizes appropriations of \$53,030,000 for FY84. As reported, both the House and Senate bills require the President to suspend all U.S. assistance to any country when he determines that the government of the country has failed to take adequate measures to prevent narcotic or other dangerous drugs, produced or processed illicitly in such country, from being smuggled into the U.S. An end of the suspension would require a presidential determination that the country's government had taken certain specified steps, along with a report to Congress on the matter. The Senate bill provides further that Congress, through a concurrent resolution, may direct the President to suspend assistance under the section. S. 637 introduced Mar. 1, 1983; referred to Foreign Relations. S. 1347, a clean bill, reported in lieu of S. 637, S. 638, S. 701, and S. 714 May 23 (S.Rept. 98-146). H.R.

1850 introduced Mar. 2, 1983; referred to Foreign Affairs. H.R. 2992, a clean bill, introduced in lieu of H.R. 1850 May 12, 1983. Reported May 17 (H.Rept. 98-192).

S. 1762 (Thurmond and Laxalt)/H.R. 2151 (Fish) (Related bills: H.R. 2013, S. 830)

Comprehensive Crime Control Act of 1983. The following are the more significant titles or provisions in relation to dangerous drug control:

Title I. Bail Reform. (Related bills: Title II of S. 117, S. 215, Title II of S. 830, H.R. 3005). Amends the Bail Reform Act of 1966 to (1) permit danger to the community to be considered in determining whether to release an accused individual pending trial, or, if release is appropriate, in determining conditions for release (2) establish procedures for revocation of release, and contempt-of-court prosecution, for committing a crime while on release; (3) tighten the criteria for postconviction release pending sentencing and appeal; (4) provide for consecutive sentences for persons convicted of crimes committed on pretrial release; and (5) increase penalties for jumping bail.

Title II. Sentencing Reform. (Related bills: S. 668, Title II of S. 830, S. 1182). Creates a determinate sentencing system, with no parole and limited good time credits. Establishes a sentencing commission, to be responsible for formulating guidelines to be used by the courts in determining appropriate sentences.

Title III. Exclusionary Rule Reform. [Related bill: S. 101, S. 1764] Narrows the application of the court-made rule requiring suppression of improperly seized evidence by allowing admission where the officers making the seizure were proceeding upon a "reasonable, good faith belief" that they were acting properly.

Title IV. Forfeiture Reform. (Related bill: Title III of S. 830, S. 948, H.R. 3299) Amends both 18 U.S.C. 1963 (a provision of the Racketeer Influenced and Corrupt Organizations Act) and the Controlled Substances Act to (1) provide for the criminal forfeiture of the proceeds of racketeering or drug trafficking activity, (2) establish the sanction of criminal forfeiture for all felony drug offenses, (3) in general facilitate forfeitures in drug-related and racketeering cases, and (4) raise the ceiling on the value of property subject to administrative forfeiture -- from \$10,000 to \$100,000.

Title VII. Drug Enforcement Amendments. Part A. Controlled substance penalties. Amends both the Controlled Substances Act and the Controlled Substances Import and Export Act to (1) increase the maximum prison penalties for trafficking in large (specified) amounts of an opiate, cocaine, phencyclidine (PCP), or LSD; (2) increase the fine level for trafficking in any controlled substance; (3) increase prison penalties and fines for trafficking in any amount of most non-narcotic substances in Schedules I or II (includes LSD and PCP); (4) increase penalties for trafficking in marihuana in amounts ranging from 50 to 454 kilograms; and (5) permit State and foreign felony drug convictions to be considered under the enhanced sentencing provisions for repeat drug offenders.

Part B. Diversion control amendments. Among other things, (1) provides for new emergency authority to bring an uncontrolled substance under temporary control; (2) increases regulatory authority of the Drug Enforcement Administration over practitioners (e.g., expands authority to revoke or

suspend registrations); (3) simplifies practitioner registration requirements (allowing a 3-year life-span if determined appropriate); (4) expands reporting requirements for drug distributors; (5) clarifies the control of isomers; and (6) authorizes a program of grants to State and local governments to assist them in the suppression of diversion of controlled substances from legitimate medical, scientific, and commercial channels.

Title XII. Foreign Currency Transaction Amendments. (Related bill: S. 902) Amends the Currency and Foreign Transaction Reporting Act to make it more difficult to transfer or transport out of the country currency derived from drug trafficking. Specifically, provides for payment of rewards for information leading to conviction of money launderers, establishes sanctions for "attempted" illegal currency transactions, and authorizes border searches related to currency transaction offenses.

Title XIV. Violent Crime Amendments. Part A. Extends existing Federal jurisdiction over contract killings and violence related to racketeering where travel across State lines is involved.

Part B. Creates sanctions for the offense of soliciting the commission of a crime of violence.

Part M. (Related bill: H.R. 2643) Amends Federal extradition laws to facilitate extradition of terrorists, narcotics traffickers, and other international criminals to foreign countries with which the U.S. has an extradition treaty.

Title XV. Serious Nonviolent Offenses. Part C. Makes it an offense to warn anyone that his property is about to be searched by Federal authorities.

Title XVI. (Related bill: Title II of S. 830) Procedural Amendments. Part A. Prosecution of certain juveniles as adults. Amends the juvenile delinquency chapter of title 18, U.S. Code, to lower the age at which certain violent or otherwise illegal acts would be considered crimes if committed by an adult, and generally modifies provisions that allow for special handling of juveniles, to encourage adult treatment of offenders charged with crimes of violence or drug trafficking offenses.

Part F. Witness Security Program improvements. Explicitly authorizes witness relocation and protection and provides a procedure for handling civil claims filed against protected witnesses.

SENATE BILL AS REPORTED OMITTS EXCLUSIONARY RULE PROVISIONS AS WELL AS OTHERS THAT ARE NOT INCLUDED IN THE ABOVE DIGEST. TITLES ARE RENUMBERED ACCORDINGLY.

The Senate bill, S. 829, introduced Mar. 16, 1983; referred to Judiciary. S. 1762 (clean bill in lieu of S. 829) reported Aug. 4 (no written report). Written report filed by Judiciary, Sept. 14, 1983. (S.Rept. 98-225.) Referred to the Committee on Foreign Relations until Sept. 20, 1983, for the purpose only of considering certain aspects of part M of Title X (relating to extradition). Reported to Senate by Senator Percy with amendments Sept. 20 (no written report). Placed on Senate Legislative Calendar under General Orders Sept. 20. Committee on Foreign Relations filed written report Sept. 26, 1983 (Rept. 98-241). H.R. 2151 introduced Mar. 16, 1983; referred to Judiciary.

S. 1764 (Thurmond, Laxalt et al.) (Related bills: S. 101, Title III of S. 829/H.R. 2151)

Narrows the application of the court-made rule requiring suppression of improperly seized evidence by allowing admission where the officers making the seizure were proceeding upon a "reasonable, good faith belief" that they were acting properly. Introduced Aug. 4, 1983; referred to Judiciary. Reported without amendment Aug. 4 (no written report as of the time of this update).

S. 1787 (Biden et al.)

National Narcotics Act of 1983. Creates an "Office of the Director of National and International Drug Operations and Policy", to be headed by a Director and a Deputy Director who are appointed by the President, by and with the consent of the Senate. Provides that the Director is authorized to (1) develop, review, implement, and enforce U.S. Government policy with respect to illegal drugs; (2) direct and coordinate all U.S. Government efforts to halt the flow into, and sale and use of illegal drugs within the U.S.; (3) develop, in concert with the appropriate governmental entities, budgetary priorities and allocations relating to control of illegal drugs; and (4) coordinate the collection and dissemination of information necessary to implement government policy with respect to illegal drugs. Authorizes appropriations of \$500,000 for FY84 for carrying out the act. Introduced Aug. 4, 1983; referred to Judiciary. Reported, without amendment, August 4. Written report filed Oct. 25 (S.Rept. 98-278). (Contents of bill added by floor amendment on Oct. 26, 1983, to H.R. 3959, a supplemental appropriation bill that passed the Senate Oct. 27, 1983. Amendment dropped in conference.)

HEARINGS

U.S. Congress. House. Select Committee on Narcotics Abuse and Control.

----- Bail reform and narcotics cases. Hearing, 97th Congress, 1st session. Washington, U.S. Govt. Print. Off., 1981. 117 p.

----- Cocaine: a major drug issue of the seventies. Hearings, 96th Congress, 1st session. Washington, U.S. Govt. Print. Off., 1980. 142 p.

----- DEA/FBI reorganization. Hearing, 97th Congress, 2d session. Washington, U.S. Govt. Print. Off., 1982. 37 p.

----- Federal drug strategy: prospects for the 1980's. Hearing, 96th Congress, 2d session. Washington, U.S. Govt. Print. Off., 1980. 164 p.

----- Federal drug strategy-1981. Hearing, 97th Congress, 1st session. Washington, U.S. Govt. Print. Off., 1982. 54 p.

----- Financial investigation of drug trafficking. Hearing, 97th Congress, 1st session. Washington, U.S. Govt. Print. Off., 1981. 150 p.

----- Impact of Federal budget cuts on local narcotics law enforcement. Hearing, 97th Congress, 1st session. Washington, U.S. Govt. Print. Off., 1981. 99 p.

- Investigation of narcotics trafficking proceeds
(Chicago, Ill.). Hearings, 95th Congress, 1st session.
Washington, U.S. Govt. Print. Off., 1978. 289 p.
- Sentencing practices and alternatives in narcotics cases. Hearing,
97th Congress, 1st session. Washington, U.S. Govt. Print. Off.,
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- U.S. Congress. Senate. Committee on Appropriations. Subcommittee
on State, Justice, Commerce, the Judiciary, and Related
Agencies. Federal drug enforcement and supply control efforts.
Hearing, 96th Congress, 1st session. Washington, U.S. Govt.
Print. Off., 1980. 325 p.
- U.S. Congress. Senate. Committee on Government Operations.
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CHRONOLOGY OF EVENTS

09/15/83 -- The House Subcommittee on Crime approved a clean bill to amend Title II of the Drug Abuse Office and Treatment Act for the purpose of recreating the Office of Drug Abuse Policy in the Executive Office of the President (subsequently introduced as H.R. 4028). Deputy Directors both for Drug Enforcement and for Drug Abuse Prevention would be appointed under the bill's provisions. An amendment accepted in subcommittee mark-up would allow the President to name the Vice President as Director.

08/04/83 -- An altered version of the Administration omnibus crime control bill was reported by the Senate Judiciary Committee (S. 1762). The clean bill omits some of the more controversial titles of the original proposal, such as those dealing with the Exclusionary rule and Habeas Corpus.

Separate

bills concerning the omitted matter, as well as one that would establish a "drug czar" office, were also reported.

03/23/83 -- The White House announced the creation of a new drug interdiction group headed by Vice-President George

Bush. To be known as the National Narcotics Border Interdiction System (NNBIS), it will coordinate the work of Federal agencies with responsibilities for interdiction of sea-borne, air-borne and across-border importation of narcotics and other dangerous drugs -- principally the Customs Service, the Coast Guard, and the armed services.

- 03/16/83 -- The Administration's omnibus crime control bill was introduced in both Senate and House (S. 829/H.R. 2151). An alternative bill was introduced by a group of Senate Democrats, led by members of the Judiciary Committee (S. 830).
- 01/14/83 -- President Reagan withheld his approval of H.R. 3963, thus exercising a pocket veto. He was especially critical of a provision establishing a "drug czar" office to coordinate Federal drug law enforcement, and of the absence of provisions dealing with certain major crime and drug control problems.
- 12/20/82 -- A scaled-down version of the Violent Crime and Drug Enforcement Improvement Act (H.R. 3963) was cleared for the President.
- 10/14/82 -- President Reagan announced a major new drive against illicit drug trafficking. The program involves creation of 12 regional task forces and will reportedly require the hiring of 1,200 new investigators and prosecutors.
- 09/30/82 -- The Senate passed S. 2572, the Violent Crime and Drug Enforcement Improvement Act and added the bill's contents to H.R. 3963, which was also passed and returned to the House.
- 09/03/82 -- The President approved the Tax Equity and Fiscal Responsibility Act, which contains provisions designed to remove impediments to Internal Revenue Service cooperation with other Federal law enforcement agencies. The changes are considered to be of special significance in relation to Federal efforts to curb illicit drug traffic.
- 05/26/82 -- An omnibus crime and drug control bill (S. 2572/H.R. 6497) was introduced in both the Senate and the House. Sponsored by a number of committee chairmen and ranking minority Members, the Senate bill was placed directly on the calendar.
- 05/21/82 -- The National Narcotics Intelligence Consumers Committee (NNICC) released its report on drug trafficking in 1980. The retail value of drugs supplied to the illicit U.S. market in 1980 was in the range of \$79 billion, according to the report, up from \$65 billion in 1979. Increases in estimated cocaine and marijuana imports accounted for most of the difference in the totals for the two years.

- 01/28/82 -- President Reagan announced the establishment of a special task force to combat illicit drug traffic in South Florida. Composed of officials from a number of Federal agencies, to work with State and local authorities, the task force was placed under the direction of Vice President Bush.
- 01/21/82 -- The Attorney General announced that the FBI had been given concurrent jurisdiction with the Drug Enforcement Agency (DEA) over the investigation of violations of Federal dangerous drug laws. The DEA Administrator will report to the Attorney General through the FBI Director.
- 12/01/81 -- The President signed P.L. 97-86, which contains a provision authorizing certain kinds of cooperation by the Armed Services with civilian law enforcement authorities for specific purposes, including drug law enforcement.
- 08/19/81 -- The final report of the Attorney General's Task Force on Violent Crime was released. The report emphasizes the seriousness of illicit drug traffic and the importance of a clear and consistent enforcement policy. Recommendations included support of the use of herbicides for drug crop eradication, support for the use of military resources for drug interdiction, and calls for changes in law and practice with respect to bail, sentencing, and exclusion of evidence.
- 06/19/81 -- The Justice Department announced that the FBI's chief investigator of organized crime, Francis M. (Bud) Mullen Jr., would be named acting administrator of the Drug Enforcement Administration.
- 06/16/81 -- DEA Administrator Peter B. Bensinger confirmed that he would leave office July 10 at the request of the Administration.
- 09/25/80 -- House Judiciary Committee reported H.R. 6915, the criminal code revision bill.
- 01/17/80 -- The Senate Judiciary Committee reported S. 1722, a bill for reform of the Federal Criminal Code.
- 01/30/78 -- Senate passed S. 1437, amended, a bill for reform of the Federal Criminal Code.
- 08/02/77 -- Congress received Presidential message on drug abuse announcing general policy emphases, the outline of a forthcoming Administration narcotics trafficking control bill, and support for the concept of Federal "decriminalization" of possession of small amounts of marihuana (H.Doc. 95-200).
- 07/29/76 -- House voted to establish the Select Committee on Narcotics Abuse and Control, charged with conducting a general investigation of Federal drug abuse

control efforts and with making recommendations for appropriate action to the standing committees with relevant jurisdiction.

- 07/01/73 -- The Bureau of Narcotics and Dangerous Drugs and several other agencies were merged into the Drug Enforcement Administration, by Reorganization Plan No. 2 of 1973. The new agency absorbed a number of Customs Bureau officials.
- 02/07/72 -- President signed the Foreign Assistance Act of 1971 (P.L. 92-226), which contained a provision establishing a program of assistance designed to encourage international narcotics control.
- 10/27/70 -- President signed the Comprehensive Drug Abuse Prevention and Control Act of 1970, an omnibus bill containing the Controlled Substances Act, which consolidated and revised the Federal narcotics and dangerous drug control laws.
- 04/08/68 -- The Federal Bureau of Narcotics (Treasury Department) and the Bureau of Drug Abuse Control (HEW) were merged into a new agency in the Justice Department, the Bureau of Narcotics and Dangerous Drugs.

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